

CAL. J. POTTER, III, ESQ.
Nevada Bar No. 1988
JOHN C. FUNK, ESQ.
Nevada Bar No. 9255
POTTER LAW OFFICES
1125 Shadow Lane
Las Vegas, Nevada 89102
Tel: (702) 385-1954
Fax: (702) 385-9081
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

• • • • •

JUSTIN CARUSO,
Plaintiff,

Case No.: 2:10-cv-1333-LDG-PAL

v.

BOULDER CITY, a political
subdivision of the STATE OF NEVADA;
Police Officer DAVE OLSON, #300,
individually and in their capacity as
police officers employed by Boulder City
Police Department; POLICE OFFICER
JOHN DOES I-XX; and JOHN DOES
I-XX, inclusive.

Defendants.

/

DISCOVERY PLAN AND SCHEDULING ORDER

COMES NOW, the Plaintiff, JUSTIN CARUSO, by and through his counsel, CAL J. POTTER, III, ESQ. and JOHN C. FUNK, ESQ. of POTTER LAW OFFICES; Defendants by and through their counsel CRAIG R. ANDERSON, ESQ. of MARQUIS AND AURBACH, and hereby submit this Discovery Plan and Scheduling Order:

1. Meeting. Pursuant to FRCP 26(f) and LR 26-1(a), a meeting was conducted on Wednesday, November 17, 2010, and was attended telephonically by: Cal J. Potter, III, Esq. counsel for Plaintiff and Craig R. Anderson, Esq. for Defendants.

2. Pre-Discovery Disclosures. Plaintiffs provided their Initial Disclosures of Witnesses and Documents on Tuesday, November 16, 2010. Defendants provided their Initial Disclosures on Thursday, November 18, 2010.

1 3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

2 (a) Subject of Discovery. Discovery will be needed on the following subjects:

3 All claims set forth in original Complaint, as well as the defenses relevant to the
4 action.

5 (b) Discovery Cut-Off Date(s): Discovery will take 180 days, measured
6 from Wednesday, November 17, 2010. All discovery must be commenced in time
7 to be completed by *Monday, May 16, 2011*.

8 (c) FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed
9 as follows: Plaintiff and Defendants shall disclose their experts to each other at least
10 sixty (60) days before the discovery cut-off date, which is by *Thursday, March 17, 2011*.
11 Plaintiff and Defendants shall disclose their rebuttal experts at least thirty (30) days after
12 the initial date for disclosure of experts by *Monday, April 18, 2011*, which is thirty-two
13 (32) days after initial expert disclosure. Further each party agrees to make their experts
14 available for deposition, and facilitate same, prior to discovery cut-off.

15 4. Other Items.

16 (a) Interim Status Reports. The parties shall file an interim status report no later
17 than *Thursday, March 17, 2011*. The undersigned counsel certify that they have
18 read LR 26-3 and that this date is not later than sixty (60) days before the
19 discovery cut-off date requested. In addition the parties will be disclose an
20 additional report at a latter date.

21 (b) Interrogatories and Depositions. The parties agree to the customary total
22 number of interrogatories of 25 per party; the parties may agree to more
23 interrogatories by mutual agreement or application to the Court. The parties also
24 agree to no more than ten (10) depositions by Plaintiff and no more than ten (10)
25 depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the
26 parties may agree to more depositions by mutual agreement or application to the
27 Court.

28 ///

1 (c) Amending the Pleadings and Adding Parties. The parties have until
2 *Tuesday, February 15, 2011* to file any motions to amend the pleadings or to add
3 parties. This is ninety (90) days prior to the discovery cut-off date and does not
4 exceed the outside limit that LR 26-1 (e)(2) presumptively sets of ninety (90) days
5 before the discovery cut-off date of filing such motions.

6 (d) Settlement. The parties agree to confer prior to expert depositions to
7 discuss settlement options regarding any and all parties, including any new
8 parties.

9 (e) Court Conference. The parties do not request a conference with the
10 Court before entry of the scheduling order.

11 (f) Later Appearing Parties. A copy of this discovery plan and scheduling order
12 shall be served on any person served after it is entered, or, if additional defendants
13 should appear, within five (5) days of their first appearance. This discovery plan
14 and scheduling order shall apply to such later-appearing parties, unless the Court,
15 on motion and for good cause shown, orders otherwise.

16 (g) Dispositive Motions. The parties shall have until *Wednesday, June 15,*
17 *2011* to file dispositive motions. This is thirty (30) days after the discovery cut-
18 off date and does not exceed the outside limit of thirty (30) days following the
19 discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive
20 motions.

21 (h) Pretrial Order. The pretrial order shall be filed by *Friday, July 15, 2011,*
22 which is not more than thirty (30) days after the date set for filing dispositive
23 motions in the case. This date is suspended if the dispositive motions are timely
24 filed. The disclosures required by FRCP 26(a)(3) shall be made in the joint
25 pretrial order.

26 (k) Extension or Modification of the Discovery Plan and Scheduling Order. LR
27 26-4 governs modifications or extensions of this discovery plan and scheduling
28 order. Any stipulation or motion must be made not later than twenty-one (21)

days before the discovery cut-off date and comply fully with LR 26-4, which is on
or before *Monday, April 25, 2011*.

Activity	Date
Amend Pleadings	Tuesday, February 15, 2011
Interim Status Report	Thursday, March 17, 2011
Disclose Experts	Thursday, March 17, 2011
Rebuttal Experts	Monday, April 18, 2011
Extension of Discovery Cut-off	Monday, April 25, 2011
Discovery Cut-Off Date	Monday, May 16, 2011
Dispositive Motions	Wednesday, June 15, 2011
Pretrial Order	Friday, July 15, 2011

APPROVED AS TO FORM AND CONTENT.

DATED this 30th day of November, 2010.

DATED this 1st day of December, 2010.

POTTER LAW OFFICES

MARQUIS AND AURBACH

By /s/ Cal J. Potter, III, Esq.
CAL J. POTTER, III, ESQ.
Nevada Bar No. 1988
JOHN C. FUNK, ESQ.
Nevada Bar No. 9255
1125 Shadow Lane
Las Vegas, Nevada 89102
Attorneys for Plaintiff

By /s/ Craig R. Anderson, Esq.
CRAIG R. ANDERSON, ESQ.
Nevada Bar No. 6882
10001 Park Run Drive
Las Vegas, NV 89145
Attorney for Defendants

DATED this 2nd day of December, 2010.

It is so Ordered:


UNITED STATES MAGISTRATE JUDGE